



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31429 of 2019

and

W.M.P.Nos.31599 and 31602 of 2019

G.Krishnasamy

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by the District Collector,
Villupuram District,
Villupuram.

2.The Special Tahsildar (L.A.),
National Highways 332-A, Division – 1,
Villupuram.

3.The National Highways Authority of India,
Shri Towers South Phase,
Third Floor, Guindy,
Chennai – 600 032.

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent vide Notification No.Na.Ka.Aa/Tha.No.332-A/007/2019 dated 02.02.2019 published in Daily Thanthi dated 06.02.2019 and quash the same and consequently, direct the Respondents herein to drop the acquisition proceedings against the petitioners land situated at Alapakkam Village, Marakkanam Taluk, Villupuram District comprised in Survey Nos.13/11A2.

For Petitioner	: M/s.V.K.Rajagopalan
For R1 & R2	: Mr.P.Sanjay Gandhi, Government Advocate
For R3	: Mrs.S.R.Sumathy

ORDER

The notification dated 02.02.2019 published in the Daily Thanthi on 06.02.2019 to acquire the land is under challenge in the present writ petition.

2. The grievances of the writ petitioner is that for the purpose of widening of the East Coast Road in the year 1992, the Government had



acquired the property belonged to the writ petitioner, which was very near to the main road. The said land acquired by the Government has not been utilized and they have issued the impugned notification to acquire further extent of land. In the event of taking away further land as per the impugned notification, there is no other place left for the petitioner to put up any construction.

3. The learned counsel appearing on behalf of the 3rd respondent/ National Highways Authority of India raised an objection by stating that the process of acquisition has progressed and an award was passed. The compensation determined were deposited in the joint account of the competent authorities and now the land vests with the Government and therefore, the relief, as such sought for in the present writ petition lost its relevance.

4. The counter filed by the 3rd respondent reveals that the project is to develop the stretch of Mamallapuram to Puducherry Section, which is National Highways – 332 A as per the Gazette of India Notification S.O.896(E) dated 01.03.2018.



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5. It is not in dispute that the writ petitioner himself has filed his objections on 06.09.2019 and the said objections were considered by the competent authorities and thereafter Section 3(D)(i) notification was published. Once Section 3(D)(1) notification was issued, then under Sub-Section 2, the land shall vest absolutely with the Central Government free from all encumbrances. Sub-Section 4 stipulates that the declaration made by the Central Government under Sub-Section 1 shall not be called in question in any court or by any authority.

6. The scope of objections filed by the writ petitioner cannot be expanded beyond the parameters fixed under Section 3(c)(i) of the National Highways Act. In the context of the provisions, the objections filed by the writ petitioner was considered and the declaration was issued by the competent authorities. Now it is brought to the notice of this Court an award has already been passed and if at all any grievance exist regarding the quantum of compensation determined by the authorities, the petitioner is at liberty to pursue his remedy in the manner contemplated under the Act.



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7. With this liberty, the writ petition stands dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

01.08.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM, J.

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